

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY J. WEBSTER,
Petitioner,

vs.

S.W. ORNOSKI, Acting
Warden of the California State Prison
at San Quentin,
Respondent.

No. CIV S-93-0306 LKK DAD DP

DEATH PENALTY CASE

**ORDER RE MODIFICATION OF
SCHEDULING ORDER**

Good cause appearing, the Order re Evidentiary Hearing Schedule issued by the United States Magistrate Judge on August 21, 2006 (# 284) is modified as set forth below with regard to the petitioner's claim of ineffective assistance of counsel during the penalty phase of the trial.

Items 5 through 9 on page 3 of the Order re Evidentiary Hearing Schedule are modified as follows:

5. The depositions of non-expert witnesses shall be completed by February 5, 2007.

6. On or before February 2, 2007, the parties shall file with the court and serve upon each other the following with respect to expert witnesses:

a. A list of expert witnesses;

b. Direct testimony by declaration;

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- c. Designation of witnesses whose further testimony will be submitted by deposition;
- d. Designation of witnesses intended to be called at the evidentiary hearing;
- e. Copies of exhibits; and
- f. Any documents submitted under Rule 7 of the Rules Governing § 2254 cases.

7. On or before February 16, 2007, the parties shall file with the court and serve upon each other:

- a. Any response, opposition or objections to expert witness designations; and
- b. Designation of rebuttal witnesses.

8. A hearing to resolve any issues regarding expert witnesses is set for February 28, 2007, at 9:00 a.m.

The previously-set hearing calendared for February 7, 2007, is vacated.

All other provisions of the Order re Evidentiary Hearing Schedule remain in effect.

DATED: December 29, 2006.


DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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submitted by:

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